



# The Gazette of India

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NEW DELHI, SATURDAY, OCTOBER 22, 1949

## NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 17th October 1949.—

S. No.	No. and Date	Issued by	Subject
1	No. 217-J., dated the 11th October 1949 .	Ministry of States . . . .	The Manipur (Dominion Reserve) Application of Laws Order, 1948.
	No. 10-T(3)/49, dated the 13th October 1949.	Ministry of Commerce . . . .	Report of the Tariff Board on works cost of hot metal and fair ex-work prices for pig iron, etc.
2	Nos. I (43), dated the 3rd & 10th September 1949.	Ministry of Rehabilitation . . . .	List of evacuee property vesting in the custodian of Evacuees' Property.
3	No. F. 1 (186)/48-L.S.G. (II), dated the 10th October 1949.	Ministry of Home Affairs . . . .	Notices for acquisition of land under the Resettlement of Displaced Persons (Land Acquisition) Act, 1948.
4	No. 220-P., dated the 15th October 1949 .	Ministry of States . . . .	Delegation to the Government of the United Provinces of extra-provincial jurisdiction for, and in relation to, the governance of the State of Banaras.
	No. 221-P., dated the 15th October 1949 .	Ditto . . . .	The Tripura (Administration) Order, 1949.
5	No. 26/9/49-Judicial, dated the 16th October 1949.	Ministry of Home Affairs . . . .	Declaration of all offences under the Influx from Pakistan (Control) Act, 1949, to be extradition offences in relation to Indian States.

Copies of the Gazette Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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## PART I—Section 1

**Government of India Notifications relating to Rules, Regulations and Order and Resolutions (other than the Ministry of Defence)****CONSTITUENT ASSEMBLY OF INDIA***New Delhi, the 18th October 1949*

**No. CA/8/Ser./49.**—A vacancy having occurred in the Constituent Assembly of India by reason of the death of Mr. Aziz Ahmed Khan, a member elected to the said Assembly by the Muslim part of the U. P. Legislative Assembly, the President of the Constituent Assembly is pleased, in pursuance of the provisions of sub-rule (1) of rule 5 of the Constituent Assembly Rules, to call upon the above constituency to elect, in accordance with the said Rules, a person for the purpose of filling the said vacancy.

S. N. MUKERJEE, Joint Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 15th October 1949*

**No. 16/10/48-Public.**—The Table of Precedence published in the Ministry of Home Affairs Notification No. 16/10/48-Public, dated the 16th October, 1948, is amended as follows:—

- (i) In Article 18 delete the entry "Chief Commissioner, Delhi, within his charge."
- (ii) In Article 15 add the entry "Chief Commissioner, Delhi, within his charge."
- (iii) In Article 17—
  - (a) Delete the entry "Kanwar Dalip Singh, Legal Adviser, Ministry of External Affairs."
  - (b) For the entry "Deputy High Commissioners of Commonwealth Governments in India," substitute "Deputy High Commissioners of Commonwealth Governments in India stationed in Delhi," and
  - (c) For the entry "Chief Commissioner, Himachal Pradesh, within his charge." substitute "Chief Commissioners of Himachal Pradesh, Bhopal, Andaman and Nicobar Islands and Kutch within their respective charge."
- (iv) In Article 18—
  - (a) Add the entry "Deputy High Commissioners of Commonwealth Governments in India other than those stationed in Delhi," and
  - (b) Delete the entry "(Chief Commissioner of the Andaman and Nicobar Islands."
- (v) In Article 19—
  - (a) Delete the following entries:—
    - (1) "Chief Commissioner, Delhi, outside his charge."
    - (2) "Chief Commissioner, Himachal Pradesh, outside his charge."
    - (3) "Chief Commissioner, Kutch, within his charge."

(b) Add the entry "Chief Commissioners of Delhi, Himachal Pradesh, Bhopal, Andaman and Nicobar Islands and Kutch outside their respective charge and the Chief Commissioner of Ajmer-Merwara both within and outside his charge."

FATEH SINGH, Dy. Secy.

*New Delhi, the 12th October 1949*

**No. 9/120/49-Police(I).**—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt the American Consul, Urumchi, and party from the prohibitions and directions contained in sections 8, 13 and 14 of the Indian Arms Act, 1878, for the duration of their stay in India.

*New Delhi, the 14th October 1949*

**No. 9/65/49-Police(I).**—The Central Government is pleased to direct that the following amendment shall be made in the Ministry of Home Affairs Notification No. 9/65/49-Police (I), dated the 18th June 1949:—

For "100 rounds of sten ammunition" read "1000 rounds of sten ammunition".

*New Delhi, the 17th October 1949*

**No. 55/4/49-Public.**—The following order is published for general information.

**ORDER**

The Central Government is pleased to order that the Durgah Khawaja Sahib (Ajmer) Enquiry Committee appointed in accordance with the Government of India, Resolution No. 55/12/48-Public, dated 14th January 1949 having completed its work, hereby stand dissolved with effect from the afternoon of 14th October 1949.

U. K. GHOSHAL, Dy. Secy.

**MINISTRY OF EXTERNAL AFFAIRS***New Delhi, the 18th October 1949*

**No. 382-Pt.**—It is notified for general information that the Consulate for Cuba at Bombay has closed down provisionally.

O. V. RAMADORA, Under Secy.

*New Delhi, the 17th October 1949*

**No. 387-AWT(2)-I.**—In exercise of the powers conferred by section 10 of the Port Haj Committees Act, 1932 (XX of 1932), the Central Government is pleased to direct that the following further amendment shall be made in the Bombay Port Haj Committee Rules, 1933, the same having been previously published as required by sub-section (1) of section 28 of the said Act, namely:—

For clause (e) of rule 39 of the said Rules, the following clause shall be substituted, namely:—

"(e) The Principal Officer, Mercantile Department, Bombay, or an officer deputed by him."

**No. 388-AWT(2)-II.**—In pursuance of sub-section (2) of section 4 of the Port Haj Committees Act, 1932 (XX of 1932), the Central Government is pleased to nominate Lt. Commander G. Douglas, R.N., Nautical Surveyor, Mercantile Marine Department, Bombay as a member of the Port Haj Committee, Bombay, vice Captain (E) E. Whayman.

S. K. BANERJI, Dy. Secy.

**MINISTRY OF STATES***New Delhi, the 11th October 1949*

**No. 216-J.**—In exercise of the powers conferred by section 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government is pleased to direct that the Central Excises and Salt Act, 1944 (I of 1944), and the Central Excise Rules, 1944, shall apply to Cooch Behar State subject to the following modifications, namely:—

- (1) For the words "The Provinces of India" wherever they occur, the words "Cooch Behar State" shall be substituted;
- (2) Sub-sections (2) and (8) of section 1 of the said Act shall be omitted;
- (3) Sub-rule (2) of Rule 1 of the said Rules shall be omitted;

- (4) After sub-clause (f) of clause (ii) of Rule 2 of the said Rules, the following shall be inserted, namely:—
- "(g) in the State of Cooch Behar, the Collector of Central Excise, Calcutta"
- (5) Rule 294 of the said Rules shall be omitted
- (6) The said Act and the said Rules supersede the corresponding State enactments and the rules framed thereunder (by whatever name called) at present in force in the Cooch Behar State:
- Provided that—
- (i) all proceedings taken under any of the enactments or the rules made thereunder which were in force

in Cooch Behar State and pending on the commencement of this Order shall be continued as if they had been taken under the corresponding provisions of the said Act or the said Rules;

- (ii) all appointments, delegations, notifications and Orders made or issued under, or in pursuance of, any of the said enactments or rules made thereunder are hereby confirmed and shall have effect as if they were made or issued under this Order.

3. Any Court may construe the said Act and the said Rules with such modifications not affecting the substance as may be necessary or proper in order to adapt them to the matter before the Court.

A. N. SACHDEV, Under Secy.

### MINISTRY OF FINANCE

New Delhi, the 12th October 1949

No. 8740-F.11I/49.—Statement of the Affairs of the Reserve Bank of India, as on the 7th October 1949.

#### BANKING DEPARTMENT

	LIABILITIES	Rs.		ASSETS	Rs.
Capital paid up		5,00,00,000	Notes		23,09,49,000
Reserve Fund		5,00,00,000	Rupee Coin		9,05,000
<b>Deposits :—</b>					
<i>By Government</i>					
(1) Central Government		147,32,62,000	(a) Internal		18,000
(2) Other Governments		21,55,90,000	(b) External		..
(b) Banks		57,52,89,000	(c) Government Treasury Bills		1,90,33,000
(c) Others		75,72,08,000	Balances held abroad*		190,33,06,000
Bills Payable		4,25,56,000	Loans and Advances to Governments		72,00,000
Other Liabilities		7,97,44,000	Other Loans and Advances		9,30,39,000
			Investments		95,85,97,000
			Other Assets		3,13,55,000
				Rupees	324,36,49,000
	Rupees	324,36,49,000			

\*Includes Cash and Short-term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of October 1949.

#### ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department		23,00,49,000	A.—Gold Coin and Bullion :—		
Notes in circulation		1088,24,65,000	(a) Held in India		40,01,71,000
Total Notes issued		1108,24,65,000	(b) Held outside India		..
			Foreign Securities		600,34,38,000
				Total of A	640,36,09,000
Total Liabilities	1108,24,65,000		B.—Rupee Coin		52,61,48,000
			Government of India Rupee Securities		418,27,08,000
			Internal Bills of Exchange and other commercial Paper		..
				Total Assets	1108,24,65,000

Ratio of Total of A to Liabilities : 57.781 per cent.

Dated the 12th day of October 1949.

B. RAMA RAU, Governor.

K. R. K. MENON, Secy.

New Delhi, the 11th October 1949

**No. F.4(86)-F.I/49.**—In exercise of the powers conferred by section 58 of the Banking Companies Act, 1949 (X of 1949), the Central Government, on the recommendation of the Reserve Bank of India, is pleased to declare that the provisions of section 29 of the said Act shall not, for the calendar year 1949 only, apply to a banking company which closes or has closed its annual accounts on a date other than the last working day of the said calendar year provided such a banking Company prepares its first balance sheet and profit and loss account for the purpose of the said section for the period between the date on which it closes or has closed its accounts and the last working day of the said calendar year.

New Delhi, the 14th October 1949

**No. F.4(171)FL/49.**—In exercise of the powers conferred by section 58 of the Banking Companies Act, 1949 (X of 1949), and on the recommendation of the Reserve Bank of India, the Central Government is pleased to declare that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 and of section 16 of the said Act shall not apply for a further period of three years to the Punjab Co-operative Bank Ltd., Jullundur, and the Bari Doab Bank Ltd., Hoshiarpur.

H. S. NEGI, Dy. Secy.

#### MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 15th October 1949

**No. 305-PA(60)/49.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Paper Control (Economy) Order, 1945, namely:—

For clause 86 of the said Order the following shall be substituted, namely:—

"86. No person shall, except with the permission of the Central Government in writing, print or make any book, pamphlet or other publication primarily intended for export outside India."

#### COFFEE CONTROL

**No. 13(1)-I(VI)/49.**—In exercise of the powers conferred by sub-section (8) of section 4 of the Coffee Market Expansion Act, 1942, (VII of 1942) and in partial modification of the Government of India in the late Department of Industries and Supplies, No. 13(1)/IP/47, dated the 19th July 1947, the Central Government is pleased to nominate the following as members of the Indian Coffee Board:—

1. Mr. N. C. Subbaya, officiating Assistant Commissioner of Coorg, vice Mr. K. T. Uthappa, resigned.
2. Mr. T. Mariappa, Minister for Home and Agriculture, Mysore, on the recommendations of the Government of Mysore vice Mr. H. Siddaiya, resigned.

K. RAM, Dy. Secy

Bombay, the 15th October 1949

**No. 27/1-T(2)/48(i).**—In pursuance of sub-clause (g) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, I hereby authorise each of the officers in the Directorate of Enforcement, Ministry of Industry and Supply, New Delhi, not below the rank of an Enforcement Officer to exercise on my behalf the functions of the Textile Commissioner specified in paragraphs (a), (b) and (c) of sub-clause (ii) of clause 6 of the said Order.

**No. 27/1-T(2)/48(ii).**—In pursuance of sub-clause (g) of clause 2 of the Cotton Textiles (Export Control) Order, 1949, and in supersession of the Textile Commissioner's Notification No. TC(18)/45, dated 24th February 1945, I hereby authorise each of the Officers specified in column (2) of the table below to exercise on my behalf within the area specified in column 3 thereof the functions of the Textile Commissioner specified in paragraphs (a), (b) and (c) of sub-clause (ii) of clause 6 of the said Order:—

Serial No.	Designation of the Officer	Area
1	The Director of Controlled Commodities, Madras, and all Assistant Textile Commissioners working under him.	Madras Province.
2	All District Magistrates, District Textile Control Officers and Textile Inspectors in the Province of Madras.	Within their respective jurisdictions.
3	The Controller, The Dy. Controller and The Assistant Controller of Supplies and Transport, Orissa.	Orissa Province.
4	All Supervisors of Textiles (Head Quarters) and all Inspectors of Textiles (Head Quarters) in the Province of Orissa.	Do.
5	All Supervisors of Supplies (Head Quarters) and all Inspectors of Supplies (Head Quarters) in the Province of Orissa.	Do.
6	All Supervisors of Supplies, All Inspectors of Supplies, Assistant Civil Supplies Officers and Sub-Divisional Officers in the Province of Orissa.	Within their respective jurisdictions.
7	Director and Dy. Director of Textiles, West Bengal.	West Bengal.
8	Director and Dy. Directors of Enforcement, Civil Supplies Dept., West Bengal.	Do.
9	Provincial Textile Commissioner, Shillong.	Assam Province.
10	Deputy and Assistant Provincial Textile Commissioners, Assam.	Assam Province.
11	All District and Sub-Divisional Magistrates in Assam.	Within their respective jurisdictions.
12	Cloth Controller, Bihar . . .	Bihar Province.
13	All Magistrates and Cloth Inspectors in the Province of Bihar.	Within their respective jurisdictions.
14	Officer on Special duty, Commerce and Industries, Civil Supplies Dept. C. P. & Berar.	C. P. and Berar.
15	Provincial Textile and Yarn Commissioner, Nagpur.	Do.
16	All District Magistrates in C. P. and Berar.	Within their respective jurisdictions.
17	The Secretary, Dy. Secretary and the Additional Dy. Secretary to the Govt. of the United Provinces Civil Supplies (B) Department Lucknow.	United Provinces.
18	The Provincial Textile Controller, Kanpur.	Do.
19	All District Magistrates, All District Supply Officers and All Additional District Supply Officers in the United Provinces.	Within their respective jurisdictions.
20	All Piecegoods Inspectors in the United Provinces.	Do.
21	Director of Civil Supplies, Assistant Director of Civil Supplies (Textiles) Officer-in-Charge Investigation Bureau and all Inspectors (Textiles) in Delhi Province.	Delhi Province.
22	Director and Dy. Director of Civil Supplies, East Punjab and Asst. Director of Civil Supplies (Cloth), East Punjab.	East Punjab Province.
23	Yarn Commissioner, Ajmer-Merwara.	Ajmer-Merwara.
24	The Provincial Textile Controller, Dy. Provincial Textile Controller and Asst. Provincial Textile Controller, Bombay.	Bombay Province.
25	All District Magistrates in the Province of Bombay.	Within their respective jurisdictions.
26	All Textile Inspectors working under the Provincial Textile Controller, Bombay.	Do.
27	All Police Officers not below the rank of a Sub-Inspector working in the Special Police Establishment (Ministry of Home Affairs) at their Head Office at New Delhi or at the Branch Offices at Bombay/Madras and Jubbulpore.	Within their respective jurisdictions.

Serial No.	Designation of the Officer	Area
28	All Land Customs Officers under the Collectors of Central Excise.	Within their respective jurisdictions.
29	All Customs Officers under the Collectors of Customs not below the rank of a Preventive Officer.	Do.
30	All Police Officers not below the rank of a Sub-Inspector in any of the provinces.	Do.

Bombay, the 22nd October 1949

No. 17/2-Tex.2/49.—In exercise of the powers conferred on me by sub-clause (1) of clause 9 of the Government Contractors (Disposal of Cotton Textiles Unused Material and Rejected Stores) Order, 1949, I hereby direct that the maximum ex-factory price of cloth or yarn to which the said Order applies and which is in the possession of a producer, as defined in the Cotton Textiles (Control) Order, 1948, shall be the price agreed to be paid by the Textile Commissioner in the Contract entered into by him with such producer for supply of such cloth or yarn to the Central Government:

Provided that such maximum ex-factory price shall be modified as follows in the case of chindies, rags, fents and seconds as those terms are defined in the Textile Commissioner's Notification No. 80-Tex.1/48(iii), dated the 2nd August 1948, namely:—

- (i) the maximum ex-factory price of chindies shall be 3 annas per lb. for grey chindies and 8½ annas per lb. for chindies which are bleached, dyed etc.;
- (ii) the maximum ex-factory price per lb. of rags shall be 38½ per cent. lower than the maximum ex-factory price as specified above calculated per lb.;
- (iii) the maximum ex-factory price of fents shall be 20 per cent. lower than the maximum ex-factory price specified above calculated per lb.;
- (iv) the maximum ex-factory price of seconds shall be 10 per cent. lower than the maximum ex-factory price specified above.

2. The producer to whom the above paragraph applies may recover in addition to the maximum ex-factory price specified therem the amount of the excise duty levied under the Central Excises and Salt Act, 1944 (I of 1944), and the amount of sales tax levied under any provincial law for the time being in force.

New Delhi, the 17th October 1949

No. TCS-I/20.—Corrigendum.—In clause 2 of Textile Commissioner's Notification No. TCS-I/20, dated the 22nd September 1949 published in the *Gazette of India Extraordinary*, dated the 22nd September 1949, for the word and figure "Schedule I" read word and figure "Schedule II".

T. P. BARAT, Textile Commr.

### MINISTRY OF AGRICULTURE

New Delhi, the 12th October 1949

No. F.36-49/49-Com.—In pursuance of the provision of Rule 19(4) of the Indian Lac Cess Rules, the Central Government are pleased to publish the following audited

accounts of Receipts and Expenditure of the Indian Lac Cess Committee for the year ending the 31st March 1948:—

### INDIAN LAC CESS COMMITTEE, RANCHI Receipts & Expenditure Account for the year ended 31st March 1948.

Opening Balances as on 1st April 1947	Rs. A. P.	Rs. A. P.	Expenditure during the year	Rs. A. P.	Rs. A. P.
			(a) Administration of the Committee . . . . .	33,227 4 6	
Cash Balances . . . . .	5,086 14 1		(b) Measures taken to improve and develop the method of cultivation and manufacture of lac: . . . . .		
Bank Balances . . . . .	1,78,151 1 11		(i) Indian Lac Research Institute, Namkum . . . . .	2,76,163 2 6	
Investments . . . . .	4,99,437 6 1		(ii) Lac Research in United Kingdom . . . . .		
Suspense . . . . .	32 7 6		(c) Measures taken to improve and develop the marketing of lac . . . . .		
Imprest with the Secretary on Postage Account . . . . .	30 0 0	6,82,737 13 7	(d) Miscellaneous . . . . .		3,09,390 7 0
 <i>Receipts during the year:—</i>					
(a) Money received under section 6 of the Act (Lac Cess Collection) . . . . .	3,03,632 1 0		 <i>Closing Balance as on 31st March 1948:—</i>		
(b) Other moneys received by the Committee . . . . .	6,255 2 5		Cash Balances . . . . .	4,975 4 4	
(c) Interest received from Investments . . . . .	15,368 6 3	3,25,255 9 8	Bank Balances . . . . .	78,177 10 10	
			Investments . . . . .	6,15,287 4 1	
			Suspense . . . . .	182 13 0	
			Imprest with the Secretary on Postage Account . . . . .	30 0 0	6,98,603 0 3
				Rs.	10,07,993 7 3

### C E R T I F I C A T E

We have audited the statement of Receipts and Expenditure of the Indian Lac Cess Committee, Ranchi, for the year ended 31st March 1948, as above set forth, with the books and accounts as maintained at Ranchi and Namkum, in which are incorporated the certified returns from the office of the High Commissioner for India, London. We have obtained all the information and explanations we have required and we certify the above statement to be correct and in accordance with the books and vouchers submitted to us. Our detailed report is attached herewith.

1B, Old Post Office Street,  
Calcutta, 3rd January 1949.

Sd/- ILLEGIBLE,  
Incorporated Accountants,  
Registered Accountants,  
Auditors.

INDIAN JAC CESS COMMITTEE'S PROVIDENT FUND, RANCHI.  
Revenue Account for the year ending 31st March 1948.

	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.
To Incidental Expenses, etc.	23 6 0		By Balance, as per last account	6,280 6 3	
.. Interest payable to retiring subscribers as sanctioned by the Committee	151 1 8		Less Amount credited to Subscribers ( <i>vide</i> Rule 10)	6,076 4 0	204 2 3
.. Balance, Net Profit as per Balance Sheet	6,090 10 4		,,Interest—		
	6,274 2 0		On Investments	6,016 0 9	
			On Advances to Subscribers	53 15 0	6,069 15 9
					6,274 2 0

*Balance Sheet as at 31st March 1948.*

LIABILITIES	ASSETS
<i>Lapse &amp; Forfeiture Account—</i>	
As per last account	4,078 13 7
Add Amount forfeited during the year [ <i>vide</i> Rule 12 (3)]	391 2 1
	4,469 15 8
<i>Investment Fluctuation Account—</i>	
As per last account	1,99,378 14 0
Add Subscriptions during the year	11,074 1 0
Committee's Contribution	11,259 8 0
Income for 1948-47 as sanctioned by the Committee	6,076 4 0
	2,27,788 11 0
Less amount payable to retiring subscribers	4,372 6 0
	2,23,416 4 5
<i>Deposit—</i>	
Amount due to retiring members	
	2,979 8 6
<i>Revenue Account—</i>	
Balance at credit available for distribution ( <i>vide</i> Rule 10)	6,099 10 4
	2,39,619 6 0

Examined and found correct.

(Sd.) **ILLEGIBLE,**  
Incorporated Accountants,  
Registered Accountants,  
Auditors.

IB, Old Post Office St.,  
Calcutta, 3rd January 1949.

New Delhi, the 12th October 1949

**No. F.38-5/49-Oom.**—Under Rule 1(13) of the Rules and Regulations of the Indian Central Jute Committee, Srijut Gopal Chandra Bora, B.Sc., B.L., Secretary, Bar Library,

Nowgong, has been nominated by the Government of Assam to be a member of the Indian Central Jute Committee with effect from the 23rd December 1948.

S. R. MAINI, D.Y. Secy.

**MINISTRY OF HEALTH**

New Delhi, the 12th October 1949

**No. F.1-48/47-D.**—In exercise of the powers conferred by sections 12 and 38 of the Drugs Act, 1940 (XXIII of 1940), the Central Government is pleased to direct that the following further amendments shall be made in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely—

In the said Rules—

- I. Rule 24 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—  
“(2) A fee of rupees two shall be paid for a duplicate copy of a licence issued under this rule, if the original is defaced, damaged or lost.”

II. In rule 69, after sub-rule (2) the following sub-rule shall be inserted, namely:—

“(3) A fee of rupees two shall be paid for a duplicate copy of a licence issued under this rule, if the original is defaced, damaged or lost.”

III. Rule 69 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

“(2) A fee of rupees five shall be paid for a duplicate copy of a licence issued under this rule, if the original is defaced, damaged or lost.”

IV. Rule 75 shall be renumbered as sub-rule (1) of that rule and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:—

“(2) A fee of rupees five shall be paid for a duplicate copy of a licence issued under this rule, if the original is defaced, damaged or lost.”

V. In sub-rule (1) of rule 124 for the words "The United States Pharmacopoeia" the words and figures "Indian Pharmacopoeial list 1946, the United States Pharmacopoeia" shall be substituted.

J. N. SAKSENA, Under Secy.

**MINISTRY OF RAILWAYS**  
**(Railway Board)**

New Delhi, the 12th October 1949

**No. 4853-TC.**—In exercise of the powers conferred by sub-section (1) of section 44 of the Indian Railways Act, 1890 (IX of 1890), the Central Government is pleased to approve the following rules made by the Railway Rates Tribunal regarding its practice and procedure and generally for the effective discharge of its functions:

**THE RAILWAY RATES TRIBUNAL RULES, 1949,  
MADE BY THE RAILWAY RATES TRIBUNAL  
WITH THE APPROVAL OF THE CENTRAL  
GOVERNMENT UNDER SECTION 44 OF THE  
INDIAN RAILWAYS ACT, 1890 (IX OF 1890).**

The following Rules made by the Railway Rates Tribunal under section 44 of the Indian Railways' Act, 1890 (IX of 1890), which have received the approval of the Central Government are published for general information.

**PRELIMINARY**

1. (1) These Rules may be cited as the Railway Rates Tribunal Rules, 1949.

(2) They shall come into force on 1st November 1949.

2. (1) 'Act' means the Indian Railways Act, 1890 (IX of 1890).

(2) The person making a complaint under section 41 of the Act shall be called the 'applicant,' and the person against whom the complaint is made and any persons who may be added as respondents shall be called "respondents". Any person who is allowed to intervene shall be called the "Intervener".

(3) 'Pleading' shall mean the complaint, the answer given to it by the respondent, the reply given to it by the applicant and the grounds of support or objections put in by an intervener.

(4) 'President' means the President of the Railway Rates Tribunal.

(5) 'Secretary' means the person who is for the time being discharging the functions of the Secretary of the Tribunal.

(6) 'Section' means a section of the Act.

(7) 'Tribunal' means the Railway Rates Tribunal constituted by the Central Government under section 34 of the Act and includes, where the context so requires, a single member of the Tribunal exercising and discharging the functions of the Tribunal under section 43(3) of the Act or under these rules.

(8) 'Writing' shall include typing, printing, lithography or script mechanically reproduced.

(9) Words and expressions defined by the Indian Railways' Act, 1890 (IX of 1890), and the General Clauses Act, 1897 (X of 1897), shall, unless there is something repugnant thereto in the context, have in these Rules, the same meanings as are assigned to them by those Acts.

**FORM OF PLEADINGS, SERVICE AND COMMUNICATION**

8. All pleadings, affidavits, interlocutory applications etc. presented to the Tribunal, shall be written, typewritten, or printed fairly and legibly on substantial white foolscap folio paper, with an outer margin at least one and a half inches wide and an inner margin about one inch wide, and separate sheets shall be stitched together. The writing, typing or printing shall be on one side only of the paper, and numbers shall be expressed in figures.

4. When under these Rules it is directed that any document shall be signed by any party or person, such document may, in the case of a firm, be signed by any person having authority to sign in the firm's name, and in the case of a body corporate, association or authority,

may be signed by the Chairman, president, managing director, general manager or secretary of the body corporate, association or authority or by any person authorised under the seal of the body corporate, association or authority to sign on its behalf.

5. Every pleading shall be verified at the foot by the party or by one of the parties pleading or by some other person proved to the satisfaction of the Tribunal to be acquainted with the facts of the case. The person verifying shall specify by reference to the numbered paragraphs of the pleading what he verifies of his own knowledge and what he verifies upon information received and believed to be true. The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

6. Unless otherwise specially stated, all communications intended for the Tribunal should be sent to the Secretary.

7. Pleadings, petitions and other documents required or permitted to be filed under these Rules must be received at the Tribunal's office within the time, if any, prescribed for the filing thereof. The date of receipt at the office of the Tribunal and not the date of posting will determine whether or not the papers were filed in time.

8. (1) Unless otherwise ordered by the Secretary or the Tribunal, service of notices to parties or their representatives and of summonses to assessors and witnesses shall be effected by the notice being sent through registered post to the address supplied.

(2) Service on the legal practitioner representing a party or on his authorised representative shall be deemed to be service on that party.

**COMMENCEMENT OF PROCEEDINGS**

9. Every proceeding before the Tribunal shall be initiated by a complaint under section 41(1) or by an application by the Central Government under section 42(1) or by a reference made by the Central Government under section 45.

10. (1) A complaint under section 41(1) shall be addressed to the Tribunal and shall be in writing signed by the applicant and verified. It shall set out the name, description and full address of the applicant and if there be a legal practitioner or any authorised representative acting for the applicant in the matter, his name and full address shall also be stated.

(2) The Railway administration against which the complaint is made shall be named as respondent. If the applicant is in a position to name any other person or persons who will be directly and substantially affected by the relief he is asking, then such person or persons shall also be named as respondents. The applicant shall give the full names, description and addresses of the respondents in the heading of the complaint.

(3) Two or more persons may join in an application, in which case all subsequent proceedings shall be in their joint names. Where there is more than one applicant, they shall nominate in the application some person, being either one of the applicants or a legal practitioner or some authorised representative, as the person on whom any summons or notice may be served on behalf of all the applicants.

11. The complaint shall contain a clear and concise statement of the facts, the grounds of complaint and the relief or remedy which the applicant claims. It shall be divided into paragraphs numbered consecutively.

12. Every complaint shall be lodged with the Secretary at the Headquarters of the Tribunal or may be sent by post as a registered letter to his address. It shall be accompanied by as many copies as there are respondents and seven more copies for the use of the Tribunal and the assessors.

13. With each complaint the applicant shall pay a fee of Rs. 100 and an additional sum of Rs. 50 by way of deposit to meet the charges of the service of notices etc. payable by him. The total amount of Rs. 150 may be paid in cash, or crossed Postal Orders for the amount in the name of the Secretary may be attached to the complaint.

14. An application by the Central Government under section 42(1) or a reference to the Tribunal by the Central

Government under section 45 may be made by a letter addressed to the Tribunal and sent by Registered Post to the Secretary.

#### REGISTRATION OF COMPLAINTS AND SERVICE OF COPIES, ETC.

15. (1) On receipt of a complaint made under section 41(1), the Secretary shall mark on it the date of its receipt and initial it.

(2) If a complaint is not in the proper form or is not accompanied by the necessary fee or deposit and the application does not cure the defect within the time allowed by the Secretary, the Secretary shall lay it, as soon as possible, before the Tribunal for orders.

(3) The Secretary shall make out a list of the complaints duly filed, according to the order in which they are received by him, give them serial numbers and enter them in a register to be maintained in the form given in Appendix 'A'. The year and serial number shall be placed at the head of all documents relating to the particular case.

(4) The applications and references made by the Central Government under sections 42(1) and 45 respectively shall be separately numbered and entered in a similar separate register.

16. (1) If on registering a complaint under section 41(1) the Secretary considers that there are persons not named in the complaint as respondents, who may be directly and substantially affected by the relief asked for, he may, by an order served on the applicant, call upon the applicant to add them as respondents. If the applicant does not take any objection within 15 days of the receipt of the order, then such persons shall be added as parties and treated as respondents, but if the applicant objects within the said period, the matter shall be placed before the Tribunal and will be heard and disposed of on a day of which due notice shall be given to the applicant.

(2) When respondents are thus added, the applicant shall supply additional copies of his complaint for being served on them and the names of the added respondents shall be entered in the register.

17. (1) The Secretary may, at that stage, and the Tribunal may at any stage of the proceedings, give, at the cost of the applicant, a public notice of the complaint, if it is thought that there are numerous persons who are not on record but have the same interest in the proceedings as the complainant or respondent. Such public notice may be given in the manner ordered by the Secretary or the Tribunal.

(2) To any decision given by the Tribunal after such public notice, explanation (vi) to section 11 of the Civil Procedure Code, 1908, shall apply.

18. A copy of the complaint shall be served on each respondent, with the seal of the Tribunal and an endorsement by the Secretary, requiring him to put in his answer to the complaint within thirty days from the date of service and stating that in default of such answer being put in within the time named, or any extension thereof duly granted the Tribunal may proceed to hear the complaint in his absence. In the case of a Railway, the copy may be served on the general manager or the agent and general manager of the Railway concerned.

#### CONSENT CASES

19. If before the answer is put in by the respondent the applicant withdraws his complaint in writing, the matter shall be deemed to have been disposed of, and the fee paid by him and the deposit made by him shall be refunded to him after deducting the charges which he was liable to pay in respect of the service of copies of the complaint etc.

20. In all cases the parties may, by consent in writing, dispense with the formal proceedings hereinafter mentioned, or some portion of them and orders by consent may be drawn up, and, if approved of by the Tribunal, may be treated as the order of the Tribunal.

#### ANSWER

21. Within thirty days from the service of the complaint upon the respondent or within such extended time as may be fixed by the Secretary or the Tribunal, the respondent shall file with the Secretary an answer to the complaint along with eight copies thereof. It may be either presented to the Secretary in his office at the headquarters or

sent to him by Registered Post. The respondent shall also make a deposit of Rs. 50 to meet the charges of service of notice etc. payable by him. The amount may be paid in cash, or crossed Postal Orders for the amount in the name of the Secretary may be attached to the answer.

22. (1) The answer shall contain a clear and concise statement of the facts which form the ground of defence or of any other objections relied upon. It may admit the whole or any part of the facts stated in the complaint. It shall be divided into paragraphs numbered consecutively. It shall be signed by the person actually making the same and duly verified. It shall be endorsed with the name and address of the respondent and if there be a legal practitioner or authorised representative acting for him in the matter, with the name and address of such person.

(2) If the answer is not in the proper form or is not accompanied by the necessary deposit and the respondent does not cure the defect within the time allowed by the Secretary, the Secretary shall lay it, as soon as possible, before the Tribunal for orders.

23. Copies of the answers received from the respondents, if any, shall be sealed and initialled by the Secretary and served on the complainant with an endorsement requiring him to put in his reply, if any, to the answers within 14 days of the date of service.

#### REPLY

24. The applicant shall, within 14 days from the service of the copy of the answer on him or on his authorised representative or legal practitioner or within such shorter or extended time as may be fixed, file with or send by Registered Post to the Secretary his reply (if any), together with seven copies of the same for the use of the Tribunal and assessors and as many more copies as there are respondents.

25. (1) The applicant in such reply may object to the said answer stating the grounds, or deny the facts stated therein or admit the whole or any part of such facts.

(2) The reply shall be divided into paragraphs numbered consecutively, shall be signed by the applicant or by his authorised representative or legal practitioner and duly verified.

(3) If the reply is not in the proper form and the applicant does not cure the defect within the time allotted by the Secretary, the Secretary shall lay it, as soon as possible, before the Tribunal for orders.

(4) The Secretary shall serve each respondent with a copy of the applicant's reply to his answer.

26. (1) If the complainant does not deliver a reply the pleadings shall be deemed to be closed at the expiration of the period prescribed for such reply.

(2) No pleading subsequent to the reply shall be pleaded without leave of the Tribunal.

#### AMENDMENT OF PLEADINGS

27. The Tribunal may at any stage of the proceedings allow any pleadings to be amended, or may order to be struck out any matters which may tend to prejudice, embarrass or delay the fair hearing of the case, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

28. The Tribunal may, if it thinks fit, at any time during the proceedings, communicate with the parties in writing, and may require answers to such enquiries as it may think fit to make.

#### INTERROGATORIES

29. Any party may apply to the Secretary or the Tribunal for leave to deliver interrogatories in writing for examination of the opposite party. In such case the provisions of Order 11 of the Civil Procedure Code, 1908, will apply mutatis mutandis.

#### PRODUCTION OF DOCUMENTS

30. After the closure of the pleadings, a day shall be fixed for the settlement of the issues and communicated to the parties. On or before such date or within such extended time as may be allowed by the Secretary or the

Tribunal, each party shall produce with a list, documents in his possession on which he wishes to rely at the hearing and no such document will be admitted thereafter except with the leave of the Tribunal.

31. Either party may apply for an order directing the other party to make a discovery of the documents which are or have been in his possession and the provisions of Order II of the Civil Procedure Code, 1908, will apply *mutatis mutandis*.

32. The Tribunal may, at any time during the pendency of the case, order the production by any party thereto, of such of the documents in his possession or power, relating to the matters in question, as it may think fit.

33. Either party shall be entitled, at any time before or at the hearing of the case, to give a notice in writing to the other party in whose pleading reference is made to any documents, to produce them for the inspection of the party giving such notice and to permit him to take copies thereof. Any party not complying with such notice shall not afterwards be at liberty to put in such documents in evidence on his behalf in such proceedings without the leave of the Tribunal, unless he satisfies the Tribunal that he had sufficient cause for not complying with such notice.

34. All books, documents and other things produced before the Tribunal, whether voluntarily or on requisition, may be inspected by the Tribunal and also by the parties to the case. The Tribunal may, however, in its discretion, refuse publication of such parts of the books, documents or things produced as the parties may submit to be prejudicial to their interests to publish.

#### ISSUES

35. As soon as a complaint is registered, the President or one of the members nominated by him shall remain in charge of it, and pass all the orders required to be passed by the Tribunal upto the stage when the date for the settlement of the issues is fixed. He shall then place the proceedings before the President for orders, and unless otherwise ordered by the President, he will either proceed with the matter himself with the aid of assessors and dispose of it or refer it to the President under the second proviso to sub-section (3) of section 48 for being further heard by the Full Bench.

36. On the date fixed or on any subsequent date to which the case is adjourned, the Tribunal shall frame the issues on which the decision of the case appears to depend.

37. When the Tribunal is of opinion that the issues cannot be correctly framed without the examination of some person not before it or without the inspection of any documents not produced, it may adjourn the framing of the issues to a future date, and may, subject to any law for the time being in force, compel the attendance of such person or the production of such documents by any person.

38. (1) The Tribunal may, at any time before giving its decision, amend the issues or frame additional issues as it thinks fit, and all such amendments and additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed.

(2) The Tribunal may also at any time before giving its decision strike out any issues that appear to it to be wrongly framed.

39. After the settlement of issues, the Tribunal shall fix a day, time and place for the hearing of the complaint and communicate the same to the parties concerned.

#### INTERVENER

40. (1) Either on the public notice given under Rule 18 or on information otherwise received, any person may petition to the Tribunal for leave to intervene on the side of the applicant or the respondent in any pending proceedings, prior to or at the time it is called for hearing but not thereafter except for good cause shown. The petition shall set forth the grounds for the intervention and the position and interest of the petitioner in the proceedings.

(2) It shall be within the Tribunal's discretion to grant such leave, but leave will not be granted when the allegations are not reasonably pertinent to the matters in issue.

(3) If leave is granted the petitioner shall thereby become an intervenor and a party to the proceedings, and within three days thereafter he shall put in a statement of his grounds of support or objections to the complaint, duly signed and verified, and they shall be treated as pleadings to be taken into consideration in framing the issues, and if issues be already framed, they shall, if necessary, be amended in the light of those objections.

#### RIGHT OF AUDIENCE

41. (1) Any party to proceedings before the Tribunal is entitled to be heard in person or by a representative duly authorised in writing or by a legal practitioner, and where the party is a firm, any partner is entitled to be heard on behalf of the firm.

(2) The right of audience before the Tribunal through a legal practitioner shall be governed by the provisions of Order 8 of the Civil Procedure Code, 1908.

(3) A party may appoint a person to act as his representative in any proceedings by writing signed by him, and such representative shall be entitled to appear and be heard on all occasions when his principal might so appear and to do in connection with the proceedings covered by his appointment any act or thing, or give any consent or receive any notice or otherwise represent the party appointing him as fully as the party could do. Any such appointment may be revoked or varied by a writing signed by the party, provided that such revocation or variation shall not be operative until filed with the Secretary or the Tribunal.

*Explanation.*—For the purpose of this Rule the word "party" shall include any person, firm or association or body corporate entitled to appear at the hearing of any complaint.

#### ASSESSORS

42. (1) As soon as the date, time and place for the hearing of a complaint is fixed, the Secretary shall issue summonses to the assessors selected by the President in equal numbers from the trade, industry and agriculture panel, and from the Railway panel, constituted by the Central Government under section 85, requiring them to attend at the time and place fixed for the hearing of the case. Every assessor thus summoned shall be bound to attend as required in order to advise the Tribunal and state his opinion on all the questions arising before it as required by sub-section (4) of section 48, unless for satisfactory reasons he is exempted by the Tribunal from attending, in which case another assessor selected from the same panel by the President shall be summoned by the Secretary.

(2) When summoning the assessors, the Secretary shall send copies of pleadings and issues to each of them.

#### PENALTY FOR DISOBEDIENCE

43. (1) Any person summoned to attend as an assessor, who, without lawful excuse, fails to attend as required by the summons or who, having attended departs without having obtained the permission of the Tribunal, or fails to attend after an adjournment of the hearing, after being ordered to attend, shall be liable for the first default, by order of the Tribunal, to be given a warning in the form given in Appendix 'D', and for every subsequent default to a fine not exceeding Rs. 100.

(2) For good cause shown, the Tribunal may cancel the warning or remit or reduce any fine imposed.

44. Assessors shall be entitled to travelling allowance and fees as set out in Appendix 'C'.

#### COMMISSIONS

45. The Tribunal may at any stage of the proceedings issue a commission to examine witnesses, make local investigations or examine accounts, or for any other purpose and the provisions of Order XXVI of the Civil Procedure Code, 1908, will then apply *mutatis mutandis*.

#### REFERENCE FOR REPORT

46. (1) The Tribunal may refer any question of fact to a member or an officer on the establishment of the Tribunal or any other person appointed by the Tribunal, for report after holding local enquiry. When the person so appointed is not a member or officer of the Tribunal,

he may be paid a reasonable remuneration for his services and the Tribunal may direct which of the parties should pay it.

(2) The receipt of the report shall be communicated to the parties who may put in their objections to it, if any, within the time fixed, and the Tribunal may refuse to consider any objections to it not so put in. The report shall be treated as part of the evidence in the case.

#### SUMMONS TO WITNESSES

47 (1) A party who desires the attendance of any witness before the Tribunal or a commissioner appointed to take evidence, shall produce a list of the persons whose attendance is required, stating the full name, description and address of each person and whether he is required to give evidence as an expert or otherwise or to produce any documents, and in the last mentioned case specifying the date, if any, and the description of the documents so as to identify them. He shall with such a list deposit the total amount of the allowances to which the said persons are entitled for travelling and attendance before the Tribunal, calculated in accordance with the Rules of the High Court of Judicature at Madras in its ordinary original jurisdiction. The Secretary shall then serve summonses to the said witnesses, requiring them to attend the sitting of the Tribunal at the time and place fixed.

(2) If a witness thus served fails to attend may be enforced by recourse to provisions of Order XVI of the Code of Civil Procedure, 1908.

#### ABSENCE OF A PARTY

48 If the applicant does not appear at the time and place appointed for the hearing, the Tribunal may dismiss his complaint, and if the respondent does not appear at such time and place, it may hear and decide the complaint in his absence. If at any adjourned date of the hearing the parties or any of them do not appear, the Tribunal may proceed to dispose of the case in their absence.

#### PRELIMINARY QUESTIONS OF LAW

49 The Tribunal may, by consent of the parties or on the application of any party or of its own accord, order any point of law raised by the pleadings to be set down for hearing and dispose of it at any time before the hearing of the complaint. Upon such hearing, if in the opinion of the Tribunal the decision of such point of law substantially disposes of the whole complaint, the Tribunal may make such final order as may seem just and proper.

#### HEARING

50 The hearing of every complaint shall take place in open Court at the place or places fixed by the Tribunal.

51. The provisions of the Indian Evidence Act, 1872, shall generally be applicable to all proceedings before the Tribunal, provided that in the discretion of the Tribunal any of the provisions may be relaxed in order that needful and proper evidence may be conveniently, inexpensively and speedily produced in the interests of justice, while preserving the substantial rights of the parties.

52. (1) The evidence at the hearing of a complaint may be taken either by affidavit or *riva voce*, or partly one and partly the other; provided that if either party intends to rely on any evidence by affidavit, he shall, seven days at least before the hearing, deliver or send by post to the other party a copy of the affidavit intended to be used failing which he shall not be allowed to use the same except by special leave of the Tribunal.

(2) Either party may within four days after receipt of a copy of any affidavit intended to be so used, give to the other party a notice requiring the deponent to be produced at the hearing of the application for cross examination and unless the deponent is so produced, his affidavit shall not be used except by special leave of the Tribunal.

(3) The Tribunal may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit or that the affidavit of any witness may be read at the hearing, on such conditions as the Tribunal thinks reasonable.

Provided that where it appears to the Tribunal that either party *bona fide* desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

(4) Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory proceedings in which statements as to his belief with the grounds thereof may be admitted.

53. The oral evidence of the witnesses shall be recorded in English. It may be taken down by some one acting under the direction of the Tribunal in shorthand or long hand and typed. The type-written copy shall be initialled by the President or member hearing the case.

54. The Tribunal may, from time to time, adjourn any proceedings before it, but the hearing once commenced shall proceed from day to day as far as in the judgment of the Tribunal may be practicable and convenient.

55. When any complaint made to the Tribunal is withdrawn as settled, the applicant shall immediately give notice thereof to the Tribunal or the Secretary.

#### MISJOINDER OR NON-JOINDER OF PARTIES

56. No application shall be defeated by reason of mis-jointer or non-jointer of parties, but the Tribunal may at any stage of the proceedings on such terms as they seem just, direct the joinder, either as applicant or respondent, of any person whose presence before the Tribunal is considered proper or necessary for adjudication upon the questions involved in the application, but no person shall be added as an applicant without his consent in writing.

#### JUDGMENT

57. (1) After hearing the evidence and arguments, if any, the Tribunal shall ask each of the assessors to give his opinion with reasons for such an opinion. The assessors may be given time to form their opinions, if necessary. The Tribunal may immediately give its decision thereaft, which should be reduced to writing, or reserve judgment and give its decision in writing on a subsequent date. It shall be signed by the members of the Tribunal, and a copy of the operative part of the decision shall be sent to each party. It shall not be necessary to hold a sitting of the Tribunal for the purpose of giving a decision.

(2) After taking the opinion of the assessors and before delivering its decision the Tribunal may consult the assessors, either in open court or in chamber, but all the assessors shall be required to be present when such consultation takes place.

#### COSTS

58 (1) The Tribunal may, in its discretion, order payment of the costs of the proceedings by either party to any other, either in whole or in part.

(2) The scale of fees admissible for the award of costs for and in connection with the proceedings before the Tribunal will be as shown in Appendix 'B'.

(3) The costs shall be taxed by the Secretary and the bill of costs shall be attached to the decision. A copy of the bill of costs shall be sent to the parties and may be corrected by the Secretary or the Tribunal at the instance of any of them if it be necessary to do so.

#### CHANGE IN THE PERSONNEL OF THE TRIBUNAL

59. If during the hearing of any complaint, or where the hearing is adjourned, if between that hearing and any adjourned hearing, a change shall have taken place in the personnel of the Tribunal hearing the case, the hearing shall be recommenced, unless—

- the parties who have appeared shall consent to the hearing being proceeded with before the Tribunal as then constituted; or
- the Tribunal shall be of opinion that no prejudice will result to any of the parties by the continuation of the hearing and shall so order.

#### CHANGE IN ASSESSORS

60 (1) When a case is heard by a full bench and if any of the assessors is unable to take part in the proceedings, a substitute from the same panel will be appointed by the President. In that case the hearing shall be recommenced unless the parties who have already consented to the hearing being proceeded with with the aid of the new assessor or the Tribunal shall be of the opinion that no prejudice will result to any of the parties.

by the continuation of the hearing and shall so order. The new assessor shall then be given time, if necessary, to go through the evidence already on record.

(2) If the case is heard by a single member of the Tribunal with the aid of four assessors and one of them is unable to continue to sit at the hearing, another assessor from the other panel, at the discretion of the Tribunal, may be exempted from sitting and the hearing proceeded with, with the aid of the remaining two assessors. But if two assessors from the same panel remain absent, or if the case is heard with the aid of two assessors and one of them is absent, substitutes shall be appointed by the President and the hearing shall be recommended *de novo* or proceeded with on the principle set out in sub-rule (1).

#### CORRECTION OF DECISIONS

61. Clerical or arithmetical mistakes in any decisions or orders of the Tribunal or errors arising therein from any accidental slip or omission may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties.

#### GENERAL POWER TO AMEND

62. The Tribunal may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding before it; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.

#### APPEALS

63. (1) When a decision is given by a single member of the Tribunal, any party wanting to appeal against it under the proviso to section 46A, should apply to him for leave to do so within 15 days after the receipt of a copy of the operative part of the decision, and if the leave is granted, an appeal to the full bench shall be filed within 30 days after the grant of leave.

(2) The petition of appeal shall state clearly and concisely the grounds of appeal and the relief sought. A fee of rupees one hundred and a deposit of rupees twenty shall be paid for the appeal in the same manner as for the complaint, but no copy of the decision appealed against need accompany.

64. Notice of the appeal shall be served on the opposite party and the appeal shall be heard and disposed of by the full bench at the place and time fixed by it of which due notice shall be given to all the parties.

65. (1) Any respondent, though he may not have appealed from any part of the decision, may not only support the decision on any of the grounds decided against him in the Tribunal, but take any cross objection to the decision which he could have taken by way of appeal, provided he has filed such objection before the full bench within thirty days from the date of service on him or his legal practitioner or his authorised representative of notice of the day fixed for hearing the appeal or within such further time as the full bench may see fit to allow.

(2) Such objections shall be in the form of a memorandum setting out clearly and concisely the grounds thereof and shall be accompanied by a fee of rupees one hundred and a deposit of rupees twenty to be paid in the same manner as in the case of a complaint.

(3) Unless the respondent files with the memorandum of his cross objections a written acknowledgment from the party who may be affected thereby or from his legal practitioner or authorised representative of having received a copy thereof, the full bench shall cause a copy to be served, as soon as may be after the filing of the objections on such party or his legal practitioner or authorised representative at the expense of the said respondent.

(4) Where, in any case in which any respondent has under this rule filed a memorandum of objections, the original appeal is withdrawn or is dismissed for default, the objections so filed may nevertheless be heard and determined after such notice to the other parties as the Tribunal thinks fit.

66. (1) In hearing and deciding an appeal the full bench may exercise any of the powers conferred upon an appellate court under order of the Civil Procedure Code, 1908.

(2) After hearing the arguments, if any, the Tribunal may immediately give its decision which should be reduced

to writing, or reserve judgment and give its decision in writing on a subsequent date. It shall be signed by the members of the Tribunal. A copy of the operative part of the decision shall be sent to each party. It shall not be necessary to hold a sitting of the Tribunal for the purpose of giving a decision.

#### INTERLOCUTORY ORDERS

67. Where not otherwise provided for in these Rules, all interlocutory applications may be heard and disposed of in a summary way by the member of the Tribunal to whose charge the case was originally entrusted, provided that an application for an interim injunction may be referred by him to the full bench.

#### ENLARGEMENT OR ABRIDGMENT OF TIME

68. The Tribunal may enlarge or abridge the time for doing any act or taking any proceedings upon such terms, if any, as the justice of the case may require, provided that the periods allowed for leave to appeal or filing an appeal or cross objections or applying for restoration of a complaint to file or setting aside an *ex parte* decision shall not be abridged.

#### COMPUTATION OF TIME

69. (1) In all cases in which a particular number of days is prescribed by these rules or in an order passed by the Secretary or the Tribunal, the same shall be reckoned exclusively of the first day and inclusively of the last day, and if the office of the Tribunal is closed on the last day, the time shall be reckoned exclusively of that day also. If on any day on which an act is required to be done by a party, the office is closed, it may be done on the day on which the office next opens.

(2) In computing the period of limitation for filing an appeal, the period required for obtaining a certified copy of the decision shall be excluded.

#### REHEARING

70. (1) The Secretary shall decide whether a notice required to be served on any party is duly served or not and his decision shall be final; but when a complaint is dismissed for default of any party or an *ex parte* decision is given in the absence of a party it will be open to the aggrieved party to apply to the Tribunal to have the complaint restored to file or the *ex parte* decision set aside and the case reheard, on the ground that he was not duly served. It will then be open to the Tribunal to consider whether the service was properly effected.

(2) It will also be open to the aggrieved party to apply for the restoration of the complaint or setting aside of the *ex parte* decision on the ground that he could not be present at the hearing for sufficient reasons. If the Tribunal is satisfied, after giving notice to the other side, that the notice was not properly served or that there were sufficient reasons for absence, it may restore the complaint to file or set aside the *ex parte* decision and proceed to hear the case again. An application for this purpose shall be made within 30 days after the complaint is dismissed or an *ex parte* decision is given, unless the Tribunal excuses the delay for adequate reasons.

#### APPLICATION AND REFERENCE BY THE CENTRAL GOVERNMENT

71. These Rules shall *mutatis mutandis* be applicable to the hearing and disposal of an application made by the Central Government under section 42(1) and to a reference made to the Tribunal by the Central Government under section 45.

#### GENERAL

72. In all appeals, and in original cases if required, typed paper books of the evidence recorded and the documents admitted shall be prepared and be paid for as directed by the Tribunal. As many copies of such paper books shall be prepared as may be required for the members of the Tribunal, the assessors and the parties.

73. When evidence is given by witnesses in a language other than English, the Tribunal may appoint an interpreter who will take oath that he will render the evidence into English correctly, and he will be paid his fees as directed by the Tribunal.

74. Unless otherwise specially ordered by the President, the working hours of the Tribunal shall be 11 A.M. to 2 P.M. and 2.45 P.M. to 4.45 P.M. on all week days except

Saturdays and the working hours of the office shall be from 10-45 A.M. to 2 P.M. on Saturdays and from 10-45 A.M. to 2 P.M. and 2-30 P.M. to 5-15 P.M. on the other week days

75. The Tribunal shall have the same holidays and vacations as the Madras High Court, but the office shall remain open during the summer vacation to receive complaints, answers, replies, appeals, cross objections and all kinds of applications from parties and the public. No party shall be entitled to extension of any period prescribed on the ground of the summer vacation.

#### MISCELLANEOUS

76. Documents which are to be returned to a party after the decision of a case shall be delivered to him in person

or sent by registered post or parcel at his risk and cost if he so desires.

77. Unless specially ordered otherwise by the Tribunal a party to a proceeding is entitled to have certified copies of any part of the record of the proceedings. Such certified copies will be prepared in the office of the Tribunal and will be charged as certified copies are charged in the Madras High Court.

78. After the decision of a case the Secretary shall calculate the amount spent out of the deposit made by each party and return the balance to him.

79. Where not inconsistent with these rules, the general principles or any practice of the Madras High Court may be adopted and applied at the discretion of the Tribunal, to proceedings before it.

#### APPENDIX 'A'

[Rule 15 (3)]

#### FOR ORIGINAL COMPLAINTS

*Complaint Register for the year.....*

Serial No. of case	Date of receipt of complaints	Names of applicants	Names of respondents	Names of Intervenors	Member of the Tribunal in charge of the case

Member or Members by whom case was decided	Date of decision	Operative part of the decision	Date of communication of the operative part to the parties	Whether any application for correction of decisions or appeal was filed	Reference to register of corrections or register of appeals as the case may be

#### FOR APPEALS

(Rule 63)

*Appeal register for the year.....*

Serial No. of appeal	Date of filing the appeal	Serial No. and year of original case	Names of appellants	Names of respondents	Date of original decision	Date of decision on appeal	Members by whom the appeal was decided	Operative part of the final decision	Date of communication of operative part to the parties

#### APPENDIX 'B'

[Rule 58(2)]

*Scale of fees admissible for award of costs for and in connection with proceedings before the Tribunal*

Rs.

1. For filing a complaint . . . . .	100
2. For filing an appeal . . . . .	100
3. For filing cross objections . . . . .	100
4. For preparing and serving any notice, summons or interrogatories . . . . .	2
5. For every application in writing . . . . .	2

- |                                                                        |       |
|------------------------------------------------------------------------|-------|
| 6. For Vakalatnama or a written authority under Rule 42(3) . . . . .   | Rs. 4 |
| 7. For filing any affidavit made outside the Tribunal . . . . .        | 1     |
| 8. For making an affidavit before an officer of the Tribunal . . . . . | Rs. 2 |

#### Legal practitioner's fees

Retainer . . . . .	Rs. 200
Interlocutory applications . . . . .	As ordered by the Tribunal in its discretion.
Hearing . . . . .	Rs. 100, per day or any part thereof.

## APPENDIX 'C'

(Rule 43)

*Statement of travelling allowance and fees payable to assessors**For an assessor who is not an official of the Central or Provincial Government—*

1. Sitting fees per day or any part thereof . Rs. 50 0 0
2. Railway pass for journeys by rail . Class I pass with two servants.
3. Air passage fare for journeys by air in exceptional circumstances only, with prior sanction of Ministry of Railways, (Railway Board).
4. Mileage admissible for journeys by road . Rs. 0 3/- per mile.

**NOTE.**—The necessary period of travelling as well as any intervening holidays during the course of the Tribunal's sitting shall be included for calculating the number of days for which sitting fees are payable.

*For an assessor who is an official of the Central or Provincial Government—*

Salary, travelling and daily allowances at the rates applicable to him in his service.

## APPENDIX 'D'

*Form of warning to be given to an assessor under rule 49(1)*

Having been required by the Railway Rates Tribunal to attend its sitting at..... on..... you did not do so and no explanation of your non-attendance has been given by you till now. Your explanation for non-attendance is found by the Tribunal to be unacceptable. Such failure in the performance of a public duty is unbecoming of an assessor of your status and experience, and I am directed by the Tribunal to warn you hereby not to commit such default in future.

By order,

Secretary,

Railway Rates Tribunal.

**No. 4853-TG.**—In pursuance of section 37 of the Indian Railways Act, 1890 (IX of 1890), the Central Government is pleased to fix "Madras" as the Headquarters of the Railway Rates Tribunal.

S. S. RAMASUBBAN, Secy

## MINISTRY OF TRANSPORT

## PORTS

New Delhi, the 15th October 1949

**No. 11-P(111)/49.**—In exercise of the powers conferred by sections 4 and 6 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), the Central Government is pleased to direct that with effect from the 22nd November 1949 the following further amendment shall be made in the notification of the Government of India in the Ministry of Transport, No. 11-P(90)/47, dated the 23rd December 1947, namely:—

In the Schedule of Landing and Shipping Fees and Wharfage appended to the said notification, in section XXXII—Oils and Fats, for item K. the following shall be substituted, namely:—

"K. Cashew shell liquid in bulk 20 Cwts 2'0 0'8."

**No. 11-P(112)/49.**—In exercise of the powers conferred by sections 4 and 6 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), the Central Government is pleased to direct that with effect from the 22nd November 1949 the surcharge of 33½ per cent. levied on all the rates specified in column (5) of the Schedule of Landing and Shipping Fees and Wharfage, as per the notification of the Government of India in the Ministry of Transport, No. 11-P(22)/49-1, dated the 6th April 1949, shall not apply in respect of item C in section XIII. Fruits, Vegetables and Edible Nuts in the said Schedule.

New Delhi, the 17th October 1949

**No. 9-P(55)/49.**—In pursuance of sub-section (2) of section 6 of the Calcutta Port Act 1890 (Bengal Act III of 1890), it is hereby notified that Shri K. M. Naik of the Associated Industrial Development Company Limited has been elected

by the Indian Chamber of Commerce, Calcutta, in accordance with the provisions of section 15 of the said Act, to be a Commissioner for the Port of Calcutta vice Shri K. K. Birla, on leave.

A. K. MUKHERJEA, Dy. Secy.

## MINISTRY OF COMMUNICATIONS

## POSTS AND TELEGRAPHHS

New Delhi, the 15th October 1949

**No. T-276/48.**—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely:—

After rule 162 of the said rules, the following heading and rule shall be inserted, namely:—

*"Flash Press Telegrams"*

162-A. (a) Flash Press Telegram means an inland press telegram with a higher priority over 'express' private telegrams and limited to a maximum of 25 words excluding the name and address of the sender.

(b) The class prefix for such telegrams shall be "FXQ" for prepaid telegrams and "BG FXQ" for bearing messages.

(c) The indicator "Flash" shall be written by the sender before the address and shall be transmitted free.

(d) The charge for such telegrams shall be the same as for inland 'express' private telegrams."

V. K. R. MENON, Secy.

## MINISTRY OF LABOUR

## ORDERS

New Delhi, the 12th October 1949

**No. LR-2(233)/I.**—Whereas the industrial disputes between the banking companies specified in the Schedule hereto annexed and their employees had been referred for adjudication by the Government of Bombay in the Labour Department, in their Order cited against each bank in the said Schedule;

And whereas proceedings in respect of the said disputes abated under sub-section (1) of section 5 of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (No. VI of 1949);

Now, therefore, in pursuance of sub-section (2) of section 5 of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (No. VI of 1949), and in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said disputes for adjudication to the Industrial Tribunal constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour, No. LR-2(205), dated the 13th June 1949, as amended from time to time.

## SCHEDULE

Name of banking company	No. and date of reference for adjudication by the Provincial Government
1. The Indian Bank Ltd. Fort, Bombay.	No. 634/48, dated the 23rd March 1949.
2. Hindustan Commercial Bank Ltd., Fort, Bombay.	No. 632/48, dated the 23rd March 1949.
3. Hindustan Commercial Bank Ltd., Zaveri Bazar Branch, Bombay.	No. 632/48, dated the 23rd March 1949.
4. Union Bank of India Ltd., Fort Branch, Bombay.	No. 636/48, dated the 25th March 1949.
5. Union Bank of India Ltd., Kalbadevi Branch, Bombay.	No. 636/48, dated the 25th March 1949.
6. Union Bank of India Ltd., Mandvi Branch, Bombay.	No. 630/48, dated the 25th March 1949.

Name of banking company	No. and date of reference for adjudication by the Provincial Government
7. Bank of Baroda Ltd., Fort Branch, Bombay.	No. 628/48, dated the 29th March 1949.
8. Allahabad Bank Ltd. Fort Branch, Bon bay.	No. 608/48, dated the 30th March 1949.
9. The Netherlands India Commercial Bank, Fort, Bon bay.	No. 635/48, dated the 31st March 1949.
10. Imperial Bank of India, Fort Branch, Bon bay.	No. 633/48, dated the 23rd March 1949.
11. Imperial Bank of India, Byculla Branch, Bon bay.	No. 633/48, dated the 5th April 1949.
12. Imperial Bank of India, Mandvi Branch, Bon bay.	No. 633/48, dated the 5th April 1949.
13. Imperial Bank India, Sandhurst Road Branch, Bon bay.	No. 633/48, dated the 5th April 1949.
14. Bank of India Ltd., Andheri Branch, Bombay.	No. 614/48, dated the 5th April 1949.
15. Bank of India Ltd., Bullion Exchange Branch, Bon bay.	No. 644/48, dated the 5th April 1949.
16. Bank of India, Bandra Branch, Bombay.	No. 644/48, dated the 5th April 1949.
17. Bank of India Ltd., Colaba Branch, Bon bay.	Ditto.
18. Bank of India Ltd., For, Bon bay.	Ditto.
19. Bank of India Ltd., Kalbadevi Branch, Bon bay.	Ditto
20. Bank of India Ltd., Malabar Hill Branch, Bon bay.	No. 644/48, dated the 5th April 1949.
21. Chartered Bank of India, Australia and China, Bombay.	No. 630/48, dated the 8th April 1949.
22. Central Bank of India Ltd., Abdul Rehman Street Branch, Bombay.	No. 629/48, dated the 9th April 1949.
23. Central Bank of India Ltd., Bhuleswar Branch, Bon bay.	Ditto.
24. Central Bank of India Ltd., Fort (Head Office), Bon bay.	Ditto.
25. Central Bank of India Ltd., Kalbadevi Branch, Bon bay.	No. 629/48, dated the 9th April 1949.
26. Central Bank of India Ltd., Mandvi Branch, Bon bay.	Ditto.
27. Central Bank of India Ltd., Sandhurst Road Branch, Bon bay.	Ditto.
28. Central Bank of India Ltd., Share Bazar Branch, Bombay	Ditto.
29. Central Bank of India Ltd., Zaveri Bazar Branch, Bon bay.	Ditto.
30. New Citizen Bank of India Ltd., Fort, Bon bay.	No. 675/48, dated the 19th April 1949.
31. Bharat Bank Ltd., Dadar Branch, Fort Branch, Lalbaug Branch, Mandvi Branch, and Zaveri Bazar Branch, Bombay.	{ No. 676/48, dated the 18th April 1949.
32. Grindlays Bank Ltd., Fort, Bombay.	No. 631/48, dated the 20th April 1949.
33. Bank of Jaipur Ltd., Fort, Bombay.	No. 637/48, dated the 20th April 1949.
34. Bank of Jaipur Ltd., Mandvi Branch, Bombay.	No. 637/48-I, dated the 20th April 1949.
35. Bank of Jaipur Ltd., Kalbadevi Branch.	No. 637/48-II, dated the 20th April 1949.

**No. LR-2(233)/II.**—Whereas the industrial disputes between the banking companies specified in the Schedule hereto annexed and their employees had been referred for adjudication, under the United Provinces Industrial Disputes Act, 1947 (U. P. Act XXVIII of 1947), by the Government of the United Provinces in the Labour Department in their Order cited against each bank in the Schedule;

And whereas proceedings in respect of the said disputes abated under sub-section (1) of section 5 of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (No. VI of 1949);

Now, therefore, in pursuance of sub-section (2) of section 5 of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (No. VI of 1949), and in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said disputes for adjudication to the Industrial Tribunal constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour, No. LR-2(205), dated the 18th June 1949, as amended from time to time.

#### SCHEDULE

Name of banking company	No. and date of reference for adjudication by the Provincial Government
1. The Hindustan Commercial Bank Ltd., Nainital.	No. 1475 (ST)/XVIII-51(ST)/47, dated the 25th March 1949.
2. Allahabad Bank Ltd., Moradabad.	No. 1914 (ST)/XVIII-114(ST)/49, dated the 27th April 1949.
3. Calcutta National Bank Ltd., Lucknow.	No. 1839 (ST)/XVIII-111(ST)/49, dated the 22nd April 1949.

**No. LR-2(233)/III.**—Whereas under the Order of the Chief Commissioner, Delhi, No. F.9(109)/48-P. & D., dated the 8th December 1948, the industrial dispute described therein between the Bharat Bank Ltd., Delhi, and its employees had been referred to an Industrial Tribunal for adjudication;

And whereas proceedings in respect of the said dispute abated under sub-section (1) of section 5 of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (No. VI of 1949);

Now, therefore, in pursuance of sub-section (2) of section 5 of the Industrial Disputes (Banking and Insurance Companies) Ordinance, 1949 (No. VI of 1949), and in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour, No. LR-2(205), dated the 18th June 1949, as amended from time to time.

S. MULLICK, Dy. Secy.